

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

DONALD JOSEPH WEST, §
§
Plaintiff, §
§
v. § 2:04-CV-0091
§
THE STATE OF TEXAS (TDCJ), §
§
Defendant. §

MEMORANDUM OPINION AND ORDER OF DISMISSAL

Plaintiff DONALD JOSEPH WEST, proceeding *pro se*, has filed suit pursuant to Title 42, United States Code, Section 1983 complaining against the above-named defendants.

On April 19, 2004, the Court issued a Show Cause Order giving plaintiff fourteen days in which to respond and show cause why the instant cause should not be dismissed for plaintiff's failure to either pay the \$150.00 filing fee or submit an Application to Proceed In Forma Pauperis. The Court also noted therein that it was unclear whether plaintiff was incarcerated at the time he submitted the complaint and ordered plaintiff to inform the Court whether he was still confined by the Texas Department of Criminal Justice at the time he mailed his complaint to the Court.

The response period has expired, and no response has been received from plaintiff. It appears plaintiff has abandoned his suit and his claims for relief.

It is the conclusion of the United States District Judge that plaintiff has abandoned this cause and such cause should be dismissed for failure to prosecute. *Link v. Wabash Railroad Co.*, 370 U.S. 626, 82 S.Ct. 1386, 8 L.Ed.2d 734 (1962) (court possesses inherent power to dismiss *sua sponte* for lack of prosecution).

IT IS THEREFORE ORDERED:

The referral of the instant cause to the United States Magistrate Judge is hereby withdrawn.

This Civil Rights Complaint is DISMISSED WITHOUT PREJUDICE FOR FAILURE TO PROSECUTE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk will mail a copy of this Order to the plaintiff and to any attorney of record by first class mail.

IT IS SO ORDERED.

ENTERED this 23rd day of May, 2005.

/s/ Mary Lou Robinson

MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE